

HOUSE BILL 2928  
By Matheny

AN ACT to amend Tennessee Code Annotated, Title 68,  
Chapter 120, Part 1, relative to building  
regulations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 120, Part 1, is amended by  
adding a new section thereto, as follows:

Section 68-120-118.

(a)

(1) After July 1, 2006, all municipal, county and state employed plumbing and mechanical inspectors having jurisdiction to enforce the provisions of this chapter shall receive certification from the state fire marshal before enforcing applicable building codes; provided, however, that the certification required by this section shall not be required of state employed plumbing and mechanical inspectors until January 1, 2007. An application for certification shall be filed with the state fire marshal on a form to be developed by the state fire marshal. Plumbing and mechanical inspectors employed on July 1, 2006, shall have up to twelve (12) months to receive certification, and any plumbing and mechanical inspectors hired after July 1, 2006, shall have up to twelve (12) months from the date of employment to receive certification. The state fire marshal shall promulgate rules and regulations pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, relative to the standards and qualifications for certification. Such rules and regulations shall require

proof satisfactory to the state fire marshal that the candidate understands all applicable building codes.

(2) The state fire marshal shall recognize and accept certification from the Southern Standard Building Code Congress International, International Code Council (ICC) or the National Fire Protection Association as satisfying the standards and qualifications for certification of municipal, county and state employed plumbing and mechanical inspectors. The state fire marshal may also recognize and accept certification from other appropriate professional building code organizations. Any person shall be deemed to meet the requirements of this chapter who has been continuously employed as a municipal or county plumbing or mechanical inspector for a period of seven (7) years or more and who has attained sixty (60) years of age; or who has been a municipal or county plumbing or mechanical inspector for at least one (1) year, has attained fifty (50) years of age and was licensed by the state as a plumbing or heating/air conditioning contractor prior to July 1, 2006. Upon the filing of the application required by subdivision (a)(1), accompanied by the requisite fee, and a resolution by the governing body of the employing municipality or county, or a certification from the employing state agency, affirming that the applicant is performing the applicant's duties satisfactorily, the state fire marshal shall issue certification in the same form as provided for other applicants. Certification pursuant to this section shall not be a prerequisite for plumbing and mechanical inspector employment purposes, but the

employing governmental entity must have all newly employed applicants certified within twelve (12) months of the date of employment.

(b) Certification as a plumbing and mechanical inspector shall be valid for a period of three (3) years from the date of issuance. The state fire marshal shall provide each certificate holder with a recertification application form at least sixty (60) days prior to the expiration of the certificate.

(c) Each application for recertification must be accompanied by a recertification fee as set by the state fire marshal. Such fee shall be reasonably related to the cost of maintaining certification and shall not be set at a level that would discourage compliance. All certificates shall be subject to late recertification for a period of sixty (60) days following their expiration date by payment of the prescribed fee, plus a penalty as set by the state fire marshal.

(d)

(1) The state fire marshal may revoke the certification of any plumbing and mechanical inspector who does not properly enforce the provisions of this chapter. Any plumbing and mechanical inspector whose certification is revoked may appeal such revocation pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. No plumbing and mechanical inspector shall be authorized to enforce the provisions of this chapter while such official's revocation of certification is being appealed.

(2) In addition to any other penalty under law, any plumbing or mechanical inspection official who knowingly fails to enforce the provisions of this chapter, and such intentional failure poses an

immediate danger to the life, safety or welfare of another, commits a Class B misdemeanor.

(e) Each certificate holder shall be issued a card designating that the holder is qualified to perform inspections pursuant to the provisions of this chapter. Each certificate holder shall carry such card in such certificate holder's possession whenever such certificate holder is performing inspections pursuant to this chapter. The certificate card shall be exhibited upon request of the owner or authorized representative of the owner of the premises to be inspected.

(f) The state fire marshal shall establish, or contract for, training courses which shall be made available to governmental employees with plumbing or mechanical responsibilities in order to enable them to acquire the knowledge and skills required to attain certification under this chapter.

SECTION 2. Implementation of the provisions of this act shall be subject to the funding being provided in the general appropriations act.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.